



APPENDIX G: PROGRAMMATIC AGREEMENT

PROGRAMMATIC AGREEMENT Among The New Jersey Department of Community Affairs (NJDCA) The Advisory Council on Historic Preservation (ACHP) and The New Jersey Historic Preservation Office (NJHPO) Regarding The Rebuild by Design-Hudson River (RBD-HR) Project in Hudson County, New Jersey		STIPULATIONS	
<p><b>WHEREAS</b>, United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition in 2013, inviting interdisciplinary design teams to craft pioneering resiliency solutions to address needs for flood risk reduction within the Hurricane Sandy-affected region; and</p> <p><b>WHEREAS</b>, from the RBD competition, HUD selected and awarded the State of New Jersey \$230 million of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for the implementation of the first phase of the Rebuild by Design-Hudson River (RBD-HR) Project that would provide resiliency and flood protection to the City of Hoboken, and portions of the cities of Weehawken and Jersey City, in association with future coastal storms and severe weather events; and</p> <p><b>WHEREAS</b>, the New Jersey Hurricane Sandy Programmatic Agreement (Agreement) was executed on April 30, 2013 and the Amendment to the Agreement (Amended Agreement) was executed on May 1, 2015. In addition to Disaster Declaration, the Amended Agreement covers FEMA Hurricane Sandy (DR-4086-NJ) non-disaster grant program reviews; and</p> <p><b>WHEREAS</b>, given the scope and scale of the Rebuild by Design-Hudson River (RBD-HR) Project, it was determined that the existing Amended Agreement does not adequately address potential effects to historic properties associated with the Project. Therefore, following Stipulation II.C.7.c of the Amended Agreement, this Programmatic Agreement (PA) has been developed in accordance with 36 CFR § 800.14(b) to identify programmatic conditions or treatments to govern the resolution of potential or anticipated adverse effects from certain complex project situations for the RBD-HR Project (Undertaking); and</p> <p><b>WHEREAS</b>, RBD-HR consists of a comprehensive urban water strategy for the Hoboken, Jersey City and Weehawken area and includes hard infrastructure and soft landscape for coastal defense (Resist), policy recommendations, guidelines and urban infrastructure to slow storm water runoff (Delay), green and grey infrastructure improvements to allow for greater storage of excess rainwater (Store), and water pumps and alternative routes to support drainage (Discharge); and</p> <p><b>WHEREAS</b>, the \$230 million grant was for the implementation of the first phase of the RBD-HR Project which includes the environmental impact analysis of the overall comprehensive master plan for the entire project (the Resist and Delay, Store, Discharge (DSD) components) and funding for the construction of the Resist components. The DSD elements would be implemented separately by the City of Hoboken or other partners as funding becomes available; and</p> <p><b>WHEREAS</b>, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity on behalf of the U.S. Department of Housing and Urban Development (HUD) and is responsible for environmental review, decision-making and action that would apply to HUD pursuant to 24 CFR § 58, and NJDCA has assumed the role to administer the Sandy Community Development Block Grant-Disaster Recovery (CDBG-DR) funds pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013); and</p>		<p><b>WHEREAS</b>, the New Jersey Department of Environmental Protection (NJDEP) is assisting NJDCA with compliance under the National Environmental Policy Act (NEPA, codified as 42 USC 4321 et seq.), and is coordinating NJDCA's compliance with Section 106 of the National Historic Preservation Act (54 USC § 306108 and herein "Section 106"); and</p> <p><b>WHEREAS</b>, NJDEP has been designated to assist NJDCA in execution of this Programmatic Agreement and therefore has been designated an Invited Signatory, and</p> <p><b>WHEREAS</b>, the NJDEP Rebuild By Design team, referred to herein as NJDEP, will be overseeing the compliance under Section 106 and the design and construction for the Project, and</p> <p><b>WHEREAS</b>, the New Jersey Historic Preservation Office (NJHPO) is the regulatory agency overseeing compliance to Section 106; and</p> <p><b>WHEREAS</b>, NJDCA has authorized NJDEP to initiate consultation under Section 106, and,</p> <p><b>WHEREAS</b>, pursuant to Section 106 regulations, NJDEP, in consultation with NJHPO, identified Archaeological and Historic Architectural Areas of Potential Effects (APE) for RBD-HR (Exhibit A), and determined that the APEs will be the areas where potential effects on Historic Properties caused by RBD-HR may occur; and</p> <p><b>WHEREAS</b>, the Draft Environmental Impact Statement (DEIS) was published on February 24, 2017 for public comment. The DEIS provides the environmental impact analysis of three Build Alternatives as well as a No Action Alternative for the Resist alignment. The DSD components are the same for each Build alternative and are also included in the overall impact analysis; and</p> <p><b>WHEREAS</b>, the DEIS includes a detailed project description at the project-level and describes environmental impacts, including indirect and cumulative environmental impacts. A range of reasonable alternatives (Build Alternatives 1, 2 and 3) was evaluated in the DEIS. Alternative 3 was selected as the Preferred Alternative in consideration of environmental, technical and other factors; and</p> <p><b>WHEREAS</b>, the Preferred Alternative (i.e., Alternative 3) consists of a Resist alignment that includes termination points located upland and includes the use of an alleyway between Garden Street and Washington Street in the City of Hoboken. The southern portion of the Resist alignment extends along and within the north side of the Hoboken Terminal rail yard before extending westward along the rail embankment; and</p> <p><b>WHEREAS</b>, NJDEP has demonstrated coordinated compliance with Section 106 and NEPA, pursuant to 36 CFR § 800.8, through the preparation of a Cultural Resources Technical Environmental Study submitted to NJHPO in September 2016 and developed cultural resource specific recommendations for inclusion within the Project's Final Environmental Impact Statement (FEIS) for RBD-HR so that Section 106 recommendations were considered during the analysis of alternatives as part of the NEPA EIS process as well as consultation with NJHPO for participation in the Section 106 process; and</p> <p><b>WHEREAS</b>, through the process conducted in preparing the FEIS, NJDEP has determined that RBD-HR may have an effect on historic properties under Section 106. Historic properties may include any prehistoric or historic district, site, building, structure, or any object identified in or eligible for inclusion in the National Register of Historic Places (NRHP), herein Historic Properties or Historic Properties Criteria; and</p> <p><b>WHEREAS</b>, as documented in the FEIS, NJDEP, in consultation with NJHPO pursuant to 36 CFR Part 800, identified 27 Historic Properties (Standing Structures) (see Exhibits B &amp; C) to date in the RBD-HR APE, which are listed in or eligible for listing in the National Register of Historic Places; and</p> <p><b>WHEREAS</b>, as documented in the FEIS and in consultation with NJHPO, NJDEP identified areas with the potential to contain Archaeological Resources in the RBD-HR Archaeological APE, and identified</p>	
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<p>3. All phases of the archaeological survey and reporting shall be in keeping with the <i>Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation</i>.</p> <p>4. Survey efforts shall follow <i>Requirements for Phase I Archaeological Survey</i> (N.J.A.C. 7:4-8.4).</p> <p>5. Reports of archaeological survey results shall conform to the <i>Requirements for Archaeological Survey Reports – Standards for Report Sufficiency</i> (N.J.A.C. 7:4-8.5).</p> <p>6. Evaluations to determine the National Register eligibility of historic properties must be in keeping with the National Park Service's 1999 National Register Bulletin, <i>How to Apply the National Register Criteria for Evaluation</i>, as well as the 2000 National Register Bulletin, <i>Guidelines for Evaluating and Registering Archaeological Properties</i>.</p> <p>7. In advance of construction, a Soil Boring Program shall be established in consultation with the PA Signatories for areas identified as archaeologically sensitive areas of proposed construction within the Project's archaeological APE (Exhibit E).</p> <p>a. The results of the soil boring program may be used to further refine the areas of archaeological potential.</p> <p>8. Following consultation amongst the PA Signatories and receipt of comments for sites where archaeological potential has been confirmed to exist by the Soil Boring Program, NJDEP shall develop a Field Testing Plan (Phase IB Archaeological Testing).</p> <p>a. The CRM will develop the Field Testing Plan outlining the proposed archaeological field testing methodology to complete any required subsurface survey to identify the presence or absence of archaeological sites within the identified areas of archaeological potential (Exhibits D &amp; E).</p> <p>b. The field testing plan will also include steps (Phase II Site Evaluation) to evaluate the NRHP eligibility of an archaeological site identified during Phase IB field testing.</p> <p>c. The Field Testing Plan shall be submitted to PA Signatories for a review and comment period of 15 business days.</p> <p>d. Upon receipt of comments on the Field Testing Plan, the CRM on behalf of NJDEP will implement the approved Field Testing Plan. For all field tested sites, NJDEP shall provide a summary report to the other PA Signatories to reach one of the following conclusions:</p> <p>i) No archaeological sites were identified by the Field Testing Plan.</p> <p>ii) The archaeological site does not meet NRHP-eligibility Criteria; in which case no further action is required.</p> <p>iii) The site does meet the NRHP-eligibility Criteria, in which case the application of the criteria of adverse effects will follow in accordance with Stipulation II.A.</p> <p>e. The CRM will provide a summary report of the Field Testing Plan's activities and results following Stipulation I.D.4.</p> <p>f. The report will be submitted to the PA Signatories for a review and comment period of 15 business days.</p> <p>9. Additional Areas outside the Archaeological APE</p> <p>a. Prior to construction, the CRM will have reviewed the design plans at 30, 65 and 95% completeness to determine if there are areas outside the archaeological APE that require assessment for archaeological potential</p>	<p>b. If areas outside the assessed APE are determined to possess archaeological potential, then NJDEP will conduct subsurface investigations following Stipulation I.D.8 to make NRHP-eligibility determinations and assess effects for those project locations not currently identified in Exhibit E.</p> <p>E. Historic Buildings and Districts</p> <p>1. As presently conceived (i.e., on the effective date of this Agreement), the Project does not have the potential to directly impact the Erie-Lackawanna Terminal, Stevens Historic District, Holbrook Manufacturing Company, North (Hudson) River Tunnels, Pennsylvania Railroad New York to Philadelphia Historic District.</p> <p>2. The Project will cause direct effects associated with proposed design to the Hoboken Historic District; the Old Main Delaware, Lackawanna and Western Railroad (DLWRR) Historic District; and, Grove Street Bridge.</p> <p>3. The Project may cause indirect effects associated with vibration and construction noise or visual effects from the construction of the Resist barrier to the 501 Adams Street (Public School No. 3); Church of the Holy Innocents; Church of Our Lady of Grace; Engine Company #2 Firehouse; Engine Company No. 3, Truck No. 2 Firehouse; Ferguson Brothers Manufacturing Company; Hoboken Historic District; Hoboken Land and Improvement Company Building; Hoboken-North Hudson YMCA; Keuffel and Esser Manufacturing Complex; Machine Shop (Bethlehem Steel Corp. Shipyard); Old Main Delaware, Lackawanna and Western Railroad Historic District; Public School No. 7; Hudson and Manhattan Railroad Transit System (PATH); Grove Street Bridge; R. Neumann &amp; Co. Complex; 507 Madison Street; Factory Terminal Loft Buildings (Standard Brands &amp; Lipton Tea Plant); Hoboken High School; John Schmalz's Sons Model Bakery; and, R.B. Davis Company Manufacturing Complex.</p> <p>4. Additional Historic Building and District Identification</p> <p>a. Future refinements to the project design may result in the need for evaluation of NRHP eligibility for previously undetermined historic properties (which may include, but are not limited to, those properties listed in Exhibit B). NJDEP, will consult with the other PA Signatories and evaluate the historic properties to determine if they meet NRHP criteria and request NJHPO review of the eligibility determination.</p> <p>b. PA Signatories will have 15 business days for review and comment on the eligibility determination.</p> <p>c. If the NJDEP and the NJHPO do not agree on whether the criteria are met, the eligibility of the property will be resolved in accordance with Stipulation VIII.B.8.</p> <p>d. Any such property will be treated as eligible while it is under review by NJDEP and the NJHPO, and potential effects to the property will be evaluated following 36 CFR 800.5</p> <p>F. Design Specifications will be submitted by the NJDEP to the NJHPO for review and comment. The NJHPO will be afforded a 15 business day review period for all design submittals following Stipulation VI.A.</p> <p>1. Design reaches 30 percent, the CRM will review all available plans and specifications and determine if the design might affect historic properties listed in Exhibits B, C, D and E.</p> <p>2. Design reaches 65 percent, the CRM will review all available plans and specifications and determine if the design might affect historic properties listed in Exhibits B, C, D and E.</p> <p>3. Design reaches 95 percent, the CRM will review all available plans and specifications and determine if the design might affect historic properties listed in Exhibits B, C, D and E.</p>	<p>G. All design enhancements and/or aesthetic treatments that may affect historic properties will be subject to review and comment by the NJHPO.</p> <p>H. The availability of new data and access to previously inaccessible areas may result in information associated with undetermined historic properties. If known or undetermined historic properties may be affected, NJDEP will follow the steps outlined in Stipulation I.E.4</p> <p>I. NJDEP will ensure that contractors involved with the implementation of all phases of the undertaking are aware of and comply with the requirements of the RBD-HR PA.</p> <p>II. ASSESSMENT OF ADVERSE EFFECTS</p> <p>A. Archaeological Resources</p> <p>1. For archaeological sites identified by Stipulation I.D.8 and determined to meet NRHP eligibility criteria, the CRM will apply the criteria of adverse effects (36 CFR 800.5.a.1) to the identified archaeological site. The results of the application of the criteria of adverse effects will be summarized for review by the NJHPO.</p> <p>2. NJDEP will ensure that avoidance of adverse effects to any previously identified historic properties is the preferred alternative and will utilize all practicable measures to avoid, minimize or mitigate adverse effects.</p> <p>3. If avoidance of identified archaeological resources is not possible and an adverse effect will result, the NJDEP will follow Stipulation III.A.</p> <p>4. The CRM, on behalf of NJDEP, will inform the NJHPO of the application of the criteria of adverse effect for the identified archaeological site. NJHPO will be afforded a 15 business day review of the findings to offer comments.</p> <p>5. If the Undertaking will have an adverse effect on the NRHP eligible archaeological site, the NJDEP, on behalf of NJDCA, and in consultation with the other PA Signatories, shall develop appropriate treatment plans for historic properties adversely affected by the Undertaking. Unless the PA Signatories object within 15 business days of receipt of any plan, NJDCA shall ensure that treatment plans are implemented by NJDEP or its representative(s). NJDEP, on behalf of NJDCA, shall revise Plans to address comment and recommendations provided by the signatories.</p> <p>B. Above Ground Historic Buildings or Districts</p> <p>1. Following the review of design specifications in Stipulation I.F., historic properties identified in Exhibit B &amp; C or by Stipulation I.E.4 and determined to meet NRHP eligibility criteria will be evaluated for project adverse effects by applying the criteria of adverse effects (36 CFR 800.5.a.1) to the identified historic property. The results of the application of the criteria of adverse effects will be summarized for review by the NJHPO.</p> <p>2. NJDEP will ensure that avoidance of adverse effects to any previously identified historic properties is the preferred alternative and will utilize all practicable measures to avoid, minimize or mitigate adverse effects.</p> <p>3. If avoidance of identified historic properties is not possible and an adverse effect will result, the NJDEP will follow Stipulation III.B.</p> <p>4. The CRM on behalf of NJDEP will inform the NJHPO of the application of the criteria of adverse effect for the identified archaeological site. NJHPO will be afforded a 15 day review of the findings to offer comments.</p> <p>5. In the event it is determined that the Undertaking will have an adverse effect on the historic</p>	<p>property, the NJDEP, on behalf of NJDCA and in consultation with the other PA Signatories, shall develop appropriate treatment plans for historic properties adversely affected by the Undertaking. Unless the PA Signatories object within 15 business days of receipt of any plan, NJDCA shall ensure that treatment plans are implemented by NJDEP or its representative(s). NJDEP, on behalf of NJDCA, shall revise Plans to address comment and recommendations provided by the signatories.</p> <p>III. RESOLUTION OF ADVERSE EFFECT</p> <p>A. Archaeological Resources</p> <p>1. Following the application of the criteria of adverse effect and redesign of the Undertaking cannot avoid the NRHP eligible archaeological resource, NJDEP will develop an Archaeological Resource Management Plan (ARMP).</p> <p>2. The CRM, on behalf of NJDEP, will develop the ARMP specific to the identified NRHP-eligible archaeological resource.</p> <p>3. The ARMP will include a section evaluating design modifications for minimizing effects to historic properties.</p> <p>4. If the NRHP-eligible site cannot be avoided by redesign of project elements, then mitigation of adverse effects to NRHP-eligible archaeological sites would be required. Mitigation may include a program of archaeological data recovery developed in consultation with the PA Signatories</p> <p>5. Data recovery plans detail the systematic recovery, analysis, reporting, and curation of archaeological data from the archaeological resource to be impacted.</p> <p>6. The data recovery plan shall be developed and implemented as consistent with the requirements of the NJHPO, the Secretary of the Interior's <i>Standards and Guidelines for Archaeology and Historic Preservation</i> (48 Fed. Reg. (190) (1983)), and the ACHP's <i>Treatment of Archaeological Properties: A Handbook</i> (1980).</p> <p>7. The NJDEP will provide the ARMP for review and consultation with the other PA Signatories, who will have 15 business days for review and comment.</p> <p>8. If, after consultation, NJDEP and the NJHPO cannot agree on appropriate terms for the mitigation plan, NJDEP will refer the matter to the ACHP pursuant to Stipulation VIII.B.</p> <p>9. NJDEP shall implement the ARMP upon receipt of NJHPO comments or upon completion of dispute resolution as outlined in Stipulation VIII.B.</p> <p>10. The CRM will provide a summary report of the ARMP activities and results in accordance with Stipulation I.D.4.</p> <p>11. The ARMP report will be submitted to the PA Signatories for a review and comment period of 15 business days.</p> <p>B. Historic Properties</p> <p>1. NJDEP may propose in writing resolution of adverse effect through the application of Treatment Measures outlined in Appendix C of the Amended Agreement. Such treatment measures are also described here in Exhibit G.</p> <p>2. Minimization of adverse effects to historic properties may be achieved by the following:</p> <p>a. <u>Design Specifications</u>: The NJDEP will develop design specifications to ensure that any permanent Project elements that may affect the visual context or historic setting of a Historic Property in the Project's historic architectural APE are compatible with the historic and</p>
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<p>architectural qualities of that property. Specifically, the Resist structure has the potential to introduce visual elements, which would adversely affect the context and/or setting of Historic Properties listed in Exhibit B.</p> <p>i) The design specifications will be in keeping with the intent of <i>The Secretary of the Interior's Standards for the Treatment of Historic Properties</i> (36 CFR Part 68).</p> <p>b. <u>Historic Resource Construction Projection Plan</u> (HRCPP): The CRM on behalf of NJDEP, will develop a Historic Resource Construction Protection Plan (HRCPP) specific to each Built Historic Properties listed in Exhibit B, as well as any unidentified Built Historic Properties located within 90 feet of construction, in consultation with the PA Signatories.</p> <p>i) The HRCPP, specific to each Historic Property, will be submitted to the NJHPO for a review and comment period of 15 business days.</p> <p>ii) NJDEP will include this PA, as well as relevant HRCPPs within specific contract packages to inform contractors of their responsibilities relative to historic properties.</p> <p>iii) Given that DSD construction activities will have no visual effect to historic resources, establishment and implementation of the HRCPP will mitigate potential adverse effects to historic properties resulting from vibration associated with Project construction activities.</p> <p><b>IV. POST-REVIEW DISCOVERIES</b></p> <p>A. If previously unidentified historic properties are discovered or unanticipated effects on historic properties are found during the implementation of the undertaking, NJDEP shall cease all work in the vicinity of the discovered historic property or effect and take all reasonable measures to avoid or minimize harm to the property until it can be evaluated pursuant to Stipulations I and II of this Programmatic Agreement.</p> <p>B. NJDEP shall notify the PA Signatories of the discovery at the earliest possible time and consult to develop actions to take into account the effects of the Undertaking. NJDEP shall notify the PA Signatories of any time constraints, and all parties will mutually agree upon timeframes for this consultation.</p> <p>C. NJDEP shall provide the PA Signatories with written notification describing NJDEP's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects.</p> <p>D. The PA Signatories shall respond to NJDEP's written notification within the mutually agreed upon timeframe.</p> <p>E. NJDEP shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions.</p> <p>F. The agency official shall provide the PA Signatories a report of the actions when they are completed.</p> <p><b>V. UNANTICIPATED DISCOVERIES</b></p> <p>A. If previously unidentified historic properties are identified during construction, then construction will cease in an area sufficient to ensure there will be no inadvertent impacts, and the CRM will notify the NJDEP with information about the historic properties.</p> <p>B. NJDEP will notify the local law enforcement office and coroner/medical examiner if human remains are discovered, in accordance with applicable New Jersey State statute(s).</p> <p>C. NJDEP will take all reasonable measures to avoid or minimize harm to the property until NJDEP has consulted with the other PA Signatories. Upon notification by the CRM of a discovery, NJDEP</p>	<p>will immediately notify the other PA Signatories of the discovery, and develop a Field Testing Plan following Stipulation LD.8 to identify the discovery, take into account the effects of the Undertaking, resolve adverse effects if necessary, and ensure compliance with applicable Federal and State statutes.</p> <p>D. In cases where discovered human remains are determined to be American Indian, NJDEP shall consult with the Shawnee Tribe representatives and NJHPO. In addition, NJDEP shall follow the guidelines outlined in the ACHP's Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects (2007).</p> <p>E. NJDEP will coordinate with the other PA Signatories regarding any needed modification to the project's Final Design necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.</p> <p>F. If the NJDEP identifies unforeseen effects to historic properties during construction of the Project, then NJDEP, in consultation with the PA Signatories, shall evaluate unforeseen effects to the historic property according to 36 CFR Section 800.5.</p> <p>G. If, after consideration and consultation regarding alternatives and minimization measures, the PA Signatories agree that a historic property will be adversely affected, then NJDEP will follow the steps outlined above in Stipulation III to develop a suitable treatment plan.</p> <p>H. If, after consultation, NJDEP and the NJHPO cannot agree on appropriate terms for the mitigation plan, NJDEP will refer the matter to the ACHP pursuant to Stipulation VIII.B. If the NJDEP and the NJHPO disagree regarding the effects to the property, the NJDEP will request the ACHP's opinion. The ACHP will advise the NJDEP of its opinion regarding the effects to the property. NJDEP will take into account the ACHP's opinion before making a final determination. If an adverse effect is found by NJDEP, the CRM will include the historic property in the HRCPP.</p> <p><b>VI. COORDINATION OF REVIEWS</b></p> <p>A. The PA Signatories will have a review period of 15 business days to comment on all documents, plans and specifications provided by the NJDEP under the terms of this PA. Alteration of the review time frame will require agreement among the PA Signatories. If multiple historic properties are involved, the review time may be extended, as appropriate and based on unanimous agreement among the signatories.</p> <p>B. The ACHP, at its discretion, may delegate its review of documents, plans and specifications required under the terms of this PA to the NJHPO.</p> <p>C. The CRM will provide any comments and recommendations directly to the NJDEP. If the PA Signatories fail to provide comments within the designated review period, the NJDEP will assume their concurrence and proceed with the proposed action or activity.</p> <p><b>VII. REPORTING</b></p> <p>A. Annual Reports. In order to monitor completion of the stipulations contained in this PA, NJDEP, on behalf of NJDCA, will prepare and submit an annual report each year for distribution to the PA Signatories summarizing the actions taken to fulfill the stipulations of this PA. The PA Signatories may agree to change the frequency of the reports.</p> <p>B. Reporting Meetings. NJDEP will coordinate PA Signatory meetings to discuss activities carried out pursuant to this PA as needed.</p> <p>C. Schedule. The timeframe for the annual reports will commence from the execution date of this PA.</p> <p><b>VIII. IMPLEMENTATION OF THE AGREEMENT</b></p> <p>A. Amendments</p>	<p>1. Any Signatory or Invited Signatory may propose in writing to the other Signatories or Invited Signatories that the PA be amended, whereupon the PA Signatories will consult in order to consider such amendment. The amendment will be effective on the date a copy signed by the PA Signatories, who have signed this PA prior to the proposed amendment, is filed with the ACHP.</p> <p>2. If no resolution is reached, then NJDEP will forward all relevant documentation to the ACHP including NJDEP's recommendations for resolution. Within 15 business days, the ACHP will:</p> <p>a. Concur in NJDEP's proposed resolution, or</p> <p>b. Provide NJDEP with recommendations, which NJDEP will take into account in reaching a final decision.</p> <p>3. An amendment to this Agreement will be effective only when it has been signed by the PA Signatories.</p> <p>B. Dispute Resolution</p> <p>1. Should any of the PA Signatories object in writing within 15 business days to the terms of this Agreement, NJDEP will consult with the objecting party for not more than 15 business days to resolve the objection.</p> <p>2. If the objection is resolved within 15 business days, NJDEP shall proceed in accordance with the resolution.</p> <p>3. If NJDEP determines within 15 business days that the objection cannot be resolved, NJDEP will forward to ACHP all documentation relevant to the objection, including NJDEP's proposed resolution. Within 15 business days of receipt, ACHP will:</p> <p>a. Concur in NJDEP's proposed resolution; or</p> <p>b. Provide NJDEP with recommendations, which NJDEP will take into account in reaching a final decision regarding the objection; or</p> <p>c. Notify NJDEP that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so. NJDEP will take the resulting comment into account.</p> <p>4. NJDEP will take into account any ACHP recommendations or comments, and any comments from the other PA Signatories, in reaching a final decision regarding the objection in accordance with 36 CFR § 800.7(c)(4). The PA Signatories will continue to implement all other terms of this Agreement that are not subject to objection.</p> <p>5. Should ACHP not respond within 15 business days, NJDEP may assume ACHP has no comment and proceed with its proposed resolution to the objection.</p> <p>6. NJDEP will provide the other PA Signatories with its final written decision regarding any objection brought forth pursuant to this Stipulation.</p> <p>7. NJDEP may authorize any disputed action to proceed, after making its final decision.</p> <p>8. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved by NJDEP following these steps:</p> <p>a. Continue consultation with the objecting party until the objection is resolved;</p> <p>b. Treat the property as eligible for the National Register, or</p> <p>c. Obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR§ 63.2(d)-(e) and 36 CFR§ 800.4(c)(2). The Keeper's determination of eligibility is binding.</p>	<p>C. Public Objections</p> <p>1. At any time while this Agreement is in effect, should a member of the public object in writing to implementation of its terms, NJDEP will notify the other PA Signatories in writing and take the objection into consideration. NJDEP will consult with the objecting party and, if that party so requests, the other PA Signatories, for not more than 15 business days.</p> <p>2. NJDEP will take into consideration all comments from public parties. Within 15 business days after closure of this consultation period, NJDEP will provide the other parties with its final decision in writing.</p> <p>D. Severability and Termination</p> <p>1. In the event a PA Signatory determines that the terms of this Agreement will not or cannot be carried out, that party shall immediately consult with the other PA Signatories and make a good faith effort to develop an amendment per Stipulation VIII.A. If within 15 business days an amendment cannot be reached (or such longer period as is agreed to by the PA Signatories who sign this PA), any Signatory or Invited Signatory who signed this PA may terminate the PA upon written notification to the other PA Signatories.</p> <p>2. In the event this PA is terminated, and to the extent feasible prior to continuing to implement the undertaking, NJDEP must either:</p> <p>a. execute a new agreement pursuant to 36 CFR §800.14(b)(3)</p> <p>b. revert to and proceed at the appropriate point of the phased process for identification and evaluation directly under 36 CFR §§800.4, 800.5, and 800.6, or</p> <p>c. if identification and evaluation are complete, request, take into account, and respond to the comments of the ACHP under 36 CFR §800.7.</p> <p>3. This Agreement may be terminated by the implementation of a subsequent Agreement that explicitly terminates or supersedes this Agreement, or by NJDEP's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).</p> <p><b>IX. EMERGENCY SITUATIONS</b></p> <p>A. Should an emergency situation occur which represents an imminent threat to public health or safety, or creates a hazardous condition, NJDEP shall immediately notify the other PA Signatories of the condition which has initiated the situation and the measures taken to respond to the emergency or hazardous condition. Should the NJHPO or the ACHP desire to provide technical assistance to the NJDEP, they shall submit comments within 7 calendar days from notification, if the nature of the emergency or hazardous condition allows for such coordination.</p> <p><b>X. DURATION</b></p> <p>A. Unless otherwise extended and agreed upon by the PA Signatories, the RBD-HR PA will remain in effect until September 30, 2022, consistent with the Disaster Relief Act of 2013 and 31 U.S.C. § 1552(a). If needed, the PA Signatories may choose to terminate this Agreement per Stipulation VIII.D.</p>
RBD-HR PA-9	RBD-HR PA-10	RBD-HR PA-11	RBD-HR PA-12
<p><b>APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT</b></p> <p>Among</p> <p>The New Jersey Department of Community Affairs (NJDCA) The Advisory Council on Historic Preservation (ACHP) and The New Jersey Historic Preservation Office (NJHPO) Regarding The Rebuild by Design-Hudson River (RBD-HR) Project in Hudson County, New Jersey</p> <p>Execution and Implementation of this Programmatic Agreement Evidences that NJDCA has Satisfied its Section 106 Responsibilities for Individual Undertakings of RBD-HR.</p> <p><b>THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS</b></p> <p>By: _____ Date _____</p> <p>Name Charles A. Richman</p> <p>Title Commissioner, Department of Community Affairs, NJDCA, Sandy Recovery Division</p>	<p><b>APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT</b></p> <p>Among</p> <p>The New Jersey Department of Community Affairs (NJDCA) The Advisory Council on Historic Preservation (ACHP) and The New Jersey Historic Preservation Office (NJHPO) Regarding The Rebuild by Design-Hudson River (RBD-HR) Project in Hudson County, New Jersey</p> <p>Execution and Implementation of this Programmatic Agreement Evidences that ACHP has Satisfied its Section 106 Responsibilities for Individual Undertakings of RBD-HR.</p> <p><b>THE ADVISORY COUNCIL ON HISTORIC PRESERVATION</b></p> <p>By: _____ Date _____</p> <p>Name John Fowler</p> <p>Title Executive Director</p>	<p><b>APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT</b></p> <p>Among</p> <p>The New Jersey Department of Community Affairs (NJDCA) The Advisory Council on Historic Preservation (ACHP) and The New Jersey Historic Preservation Office (NJHPO) Regarding The Rebuild by Design-Hudson River (RBD-HR) Project in Hudson County, New Jersey</p> <p>Execution and Implementation of this Programmatic Agreement Evidences that NJHPO has Satisfied its Section 106 Responsibilities for Individual Undertakings of RBD-HR.</p> <p><b>THE NEW JERSEY HISTORIC PRESERVATION OFFICE</b></p> <p>By: _____ Date _____</p> <p>Name Katherine Marcopul</p> <p>Title Administrator and Deputy State Historic Preservation Officer</p>	<p><b>INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT</b></p> <p>Among</p> <p>The New Jersey Department of Community Affairs (NJDCA) The Advisory Council on Historic Preservation (ACHP) and The New Jersey Historic Preservation Office (NJHPO) Regarding The Rebuild by Design-Hudson River (RBD-HR) Project in Hudson County, New Jersey</p> <p>Invited Signatory</p> <p><b>THE SHAWNEE TRIBE</b></p> <p>By: _____ Date _____</p> <p>Name Ron Sparkman</p> <p>Title Chief</p>
RBD-HR PA-13	RBD-HR PA-14	RBD-HR PA-15	RBD-HR PA-16

INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New Jersey Department of Community Affairs (NJDCA)  
The Advisory Council on Historic Preservation (ACHP)  
and  
The New Jersey Historic Preservation Office (NJHPO)  
Regarding  
The Rebuild by Design-Hudson River (RBD-HR) Project in  
Hudson County, New Jersey

Invited Signatory

THE CITY OF HOBOKEN

By: \_\_\_\_\_ Date \_\_\_\_\_

Name Dawn Zimmer

Title Mayor, City of Hoboken

RBD-HR PA-17

INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New Jersey Department of Community Affairs (NJDCA)  
The Advisory Council on Historic Preservation (ACHP)  
and  
The New Jersey Historic Preservation Office (NJHPO)  
Regarding  
The Rebuild by Design-Hudson River (RBD-HR) Project in  
Hudson County, New Jersey

Invited Signatory

THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Rebuild by Design

By: \_\_\_\_\_ Date \_\_\_\_\_

Name David Rosenblatt

Title Assistant Commission, Department of Environmental Protection

RBD-HR PA-18

List of Exhibits	
A	RBD-HR APEs
B	LOCATION OF KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE
C	KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS
D	LOCATION OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE
E	LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS
F	TRIBAL CONSULTATIONS
G	POTENTIAL TREATMENT MEASURES FOR THE RESOLUTION OF ADVERSE EFFECT

EXHIBIT A

RBD-HR APEs

This map displays the Archaeological Area of Potential Effects (APE) for the Rebuild by Design-Hudson River project. The study area is outlined in a dashed blue line, covering a large portion of Hoboken, New Jersey, and extending into Union City and Weehawken. The map shows the Hudson River to the south, with the Hoboken Harbor and Weehawken Cove. Key landmarks include the Stevens Institute of Technology, the Hoboken HBLR Terminal, and the Lincoln Harbor HBLR Station. The map also shows the Hudson-Bergen Light Rail line and various streets. A legend in the top right corner identifies the Study Area, Archaeology Area of Potential Effects (APE), Municipal Boundary, and Hudson-Bergen Light Rail. A scale bar at the bottom right indicates distances from 0 to 1,000 feet. The map is dated June 2017 and is labeled EXHIBIT A-1.

This map displays the Historic Architectural Area of Potential Effects (APE) for the Rebuild by Design-Hudson River project. The study area is outlined in a dashed blue line, covering a large portion of Hoboken, New Jersey, and extending into Union City and Weehawken. The map shows the Hudson River to the south, with the Hoboken Harbor and Weehawken Cove. Key landmarks include the Stevens Institute of Technology, the Hoboken HBLR Terminal, and the Lincoln Harbor HBLR Station. The map also shows the Hudson-Bergen Light Rail line and various streets. A legend in the top right corner identifies the Study Area, Municipal Boundary, Hudson-Bergen Light Rail, and Historic Architectural APE. A scale bar at the bottom right indicates distances from 0 to 1,000 feet. The map is dated June 2017 and is labeled EXHIBIT A-2.

G-4 | Appendix G: Programmatic Agreement

REBUILD BY DESIGN HUDSON RIVER: ■ RESIST ■ DELAY ■ STORE ■ DISCHARGE ■ | FINAL ENVIRONMENTAL IMPACT STATEMENT

EXHIBIT B  
LOCATION OF KNOWN HISTORIC RESOURCES WITHIN  
THE RBD-HR APE

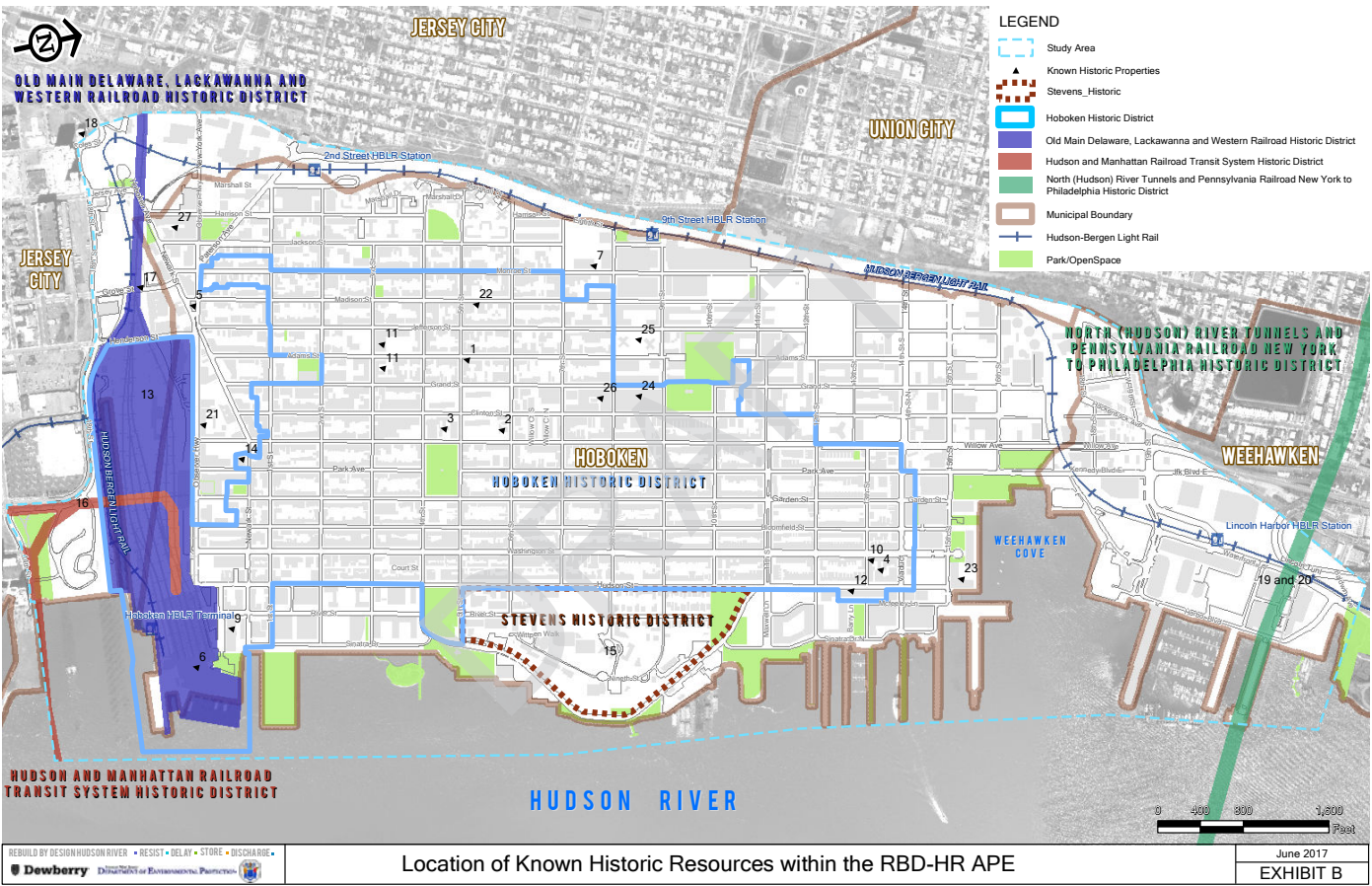


EXHIBIT C  
KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND  
POTENTIAL PROJECT EFFECTS

EXHIBIT C  
KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

Map ID No.	RESOURCE	DETERMINATION	ADDRESS	MUNICIPALITY	POTENTIAL PROJECT EFFECTS	PROPOSED MITIGATION
1.	501 Adams Street (Public School No. 3)	SHPO Opinion 8/20/1999	501 Adams Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
2.	Church of the Holy Innocents	SR 2/4/1977 NR 5/24/1977	6th Street, Willow Avenue, and Clinton Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
3.	Church of Our Lady of Grace	COE 12/15/1994 SR4/10/1996 NR 5/31/1996	4th Street, Clinton Street, 5th Street, and Willow Avenue	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
4.	Engine Company #2 Firehouse (Thematic Nomination of Hoboken Firehouses)	SR 2/9/1984 NR 3/30/1984	1313 Washington Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of resist structure (Conditional no adverse effect)	Develop and implement CRMPP
5.	Engine Company #3, Truck #2 Firehouse (thematic Nomination of Hoboken Firehouses)	SR 2/9/1984 NR 3/30/1984	501 Observer Highway	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure in the vicinity of the Train Sheds and yard (Conditional no adverse effect)	Develop and implement CRMPP
6.	Erie-Lackawanna Terminal	SR 6/16/1973; 12/7/2004 NR 7/24/1973; 2/17/2005	Hudson Plaza	Hoboken City	No effect	
7.	Ferguson Brothers Manufacturing Company	SHPO Opinion 10/16/1998	730-732 Monroe Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP

C-1

EXHIBIT C  
KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

Map ID No.	RESOURCE	DETERMINATION	ADDRESS	MUNICIPALITY	POTENTIAL PROJECT EFFECTS	PROPOSED MITIGATION
8.	Hoboken Historic District	SHPO Opinion 3/5/1982; 5/12/1983; Boundary increase 12/12/2016	Observer Highway, Henderson/Marin Boulevard, Hudson River, 14th, Clinton, 8th, Monroe, 1st, and Bloomfield Streets	Hoboken City	Adverse Effect: Option 1 and 2: Resist Structure has the potential to change the character of the properties' use and/or physical features within the properties' setting; Option 1 and 2: Potential effects from vibration-related impacts associated with installation of resist structure to historic district. (Conditional no adverse effect) Potential effects from vibration-related impacts associated with installation of DSD tank structures in vicinity of contributing resources (Conditional no adverse effect)	Develop and implement CRMPP
9.	Hoboken Land and Improvement Company Building	SR 3/29/1979 NR 7/3/1979	1 Newark Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of high level storm sewer system (Conditional no adverse effect)	Develop and implement CRMPP
10.	Hoboken-North Hudson YMCA	SHPO Opinion 4/20/2007	1301 Washington Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of high level storm sewer system (Conditional no adverse effect)	Develop and implement CRMPP
11.	Keuffel and Esser Manufacturing Complex	SR 7/31/1985 NR 9/12/1985	3rd, Adam, and Grand Streets	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
12.	Machine Shop (Bethlehem Steel Corp. Shipyard)	SHPO Opinion 5/2/1997	1201-1321 Hudson Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of high level storm sewer system (Conditional no adverse effect)	Develop and implement CRMPP
13.	Old Main Delaware, Lackawanna and Western Railroad Historic District	SHPO Opinion 9/24/1996	Morris & Essex Railroad Right-of-Way to Delaware River	Hoboken City and Jersey City	Adverse effect: Options 1 & 2 of the Project will require installation of bridge abutments and/or wing walls in the vicinity of the Henderson Street and the Grove Street bridges these installations will impact the fill adjacent to resources contributing to the district resulting in a direct effect.	Develop and implement CRMPP

C-2

EXHIBIT C

KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

Map ID No.	RESOURCE	DETERMINATION	ADDRESS	MUNICIPALITY	POTENTIAL PROJECT EFFECTS	PROPOSED MITIGATION
14.	Public School Number 7	SHPO Opinion 9/24/1996	80 Park Avenue	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
15.	Stevens Historic District	SHPO Opinion 2/28/1991	Castle Point	Hoboken City	No Effect	
16.	Hudson and Manhattan Railroad Transit System (PATH) Hoboken and Jersey City	SHPO Opinion 3/4/2002	Connects Exchange Place and Hoboken to New York City	Hoboken City and Jersey City	Potential effects from vibration-related impacts associated with installation of resist structure in the vicinity of the PATH tunnel (Conditional no adverse effect)	Develop and implement CRMPP
17.	Grove Street Bridge (NJ Transit Morristown Line milepost .66)	SHPO Opinion 1/20/1999	NJ Transit Morristown Line, M.P. 0.66 over Grove Street	Jersey City	Adverse effect: Option 1 of the Project will require installation of bridge abutments and/or wing walls which will impact the fill adjacent to the resource resulting in a direct effect.	Develop and implement CRMPP
18.	Holbrook Manufacturing Company	SHPO Opinion 2/28/1991	315 Coles Street	Jersey City	No effect	
19.	North (Hudson) River Tunnels	SHPO Opinion 11/12/1998	Amtrak Northeast Corridor under Hudson River	Weehawken Township	No effect	
20.	Pennsylvania Railroad New York to Philadelphia Historic District	SHPO Opinion 10/2/2002	Amtrak Northeast Corridor Line	Weehawken Township	No effect	
21.	R. Neumann & Co. Complex	SHPO Opinion 12/9/2016	300 Observer Highway	Hoboken City	Option 2: Potential effects from vibration-related impacts associated with installation of resist structure (Conditional no adverse effect) Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
22.	509 Madison Street	SHPO Opinion 12/12/2016	509 Madison Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP

C-3

EXHIBIT C

KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

Map ID No.	RESOURCE	DETERMINATION	ADDRESS	MUNICIPALITY	POTENTIAL PROJECT EFFECTS	PROPOSED MITIGATION
23.	Factory Terminal Loft Buildings (Standard Brands & Lipton Tea Plant) (Terminal Distribution Warehouses of Hudson County, New Jersey, 1870-1945 MPS)	SHPO Opinion 12/12/2016	Hudson at 15th Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of high level storm sewer system (Conditional no adverse effect)	Develop and implement CRMPP
24.	Hoboken High School	SHPO Opinion 12/12/2016	800 Clinton Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
25.	Christopher Columbus Gardens	SHPO Opinion 12/12/2016	460 8 <sup>th</sup> Street 455 9 <sup>th</sup> Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
26.	John Schmalz's Sons Model Bakery	SHPO Opinion 12/12/2016	351 8 <sup>th</sup> Street between Clinton and Grand Sts.	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
27.	R.B. Davis Company Manufacturing Complex	SHPO Opinion†	38-56 Jackson Street	Hoboken City	Potential temporary effects from vibration associated with installation of DSD tank structure and installation of sewers associated with Block 10	Develop and implement CRMPP

C-4

EXHIBIT D

LOCATION OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE

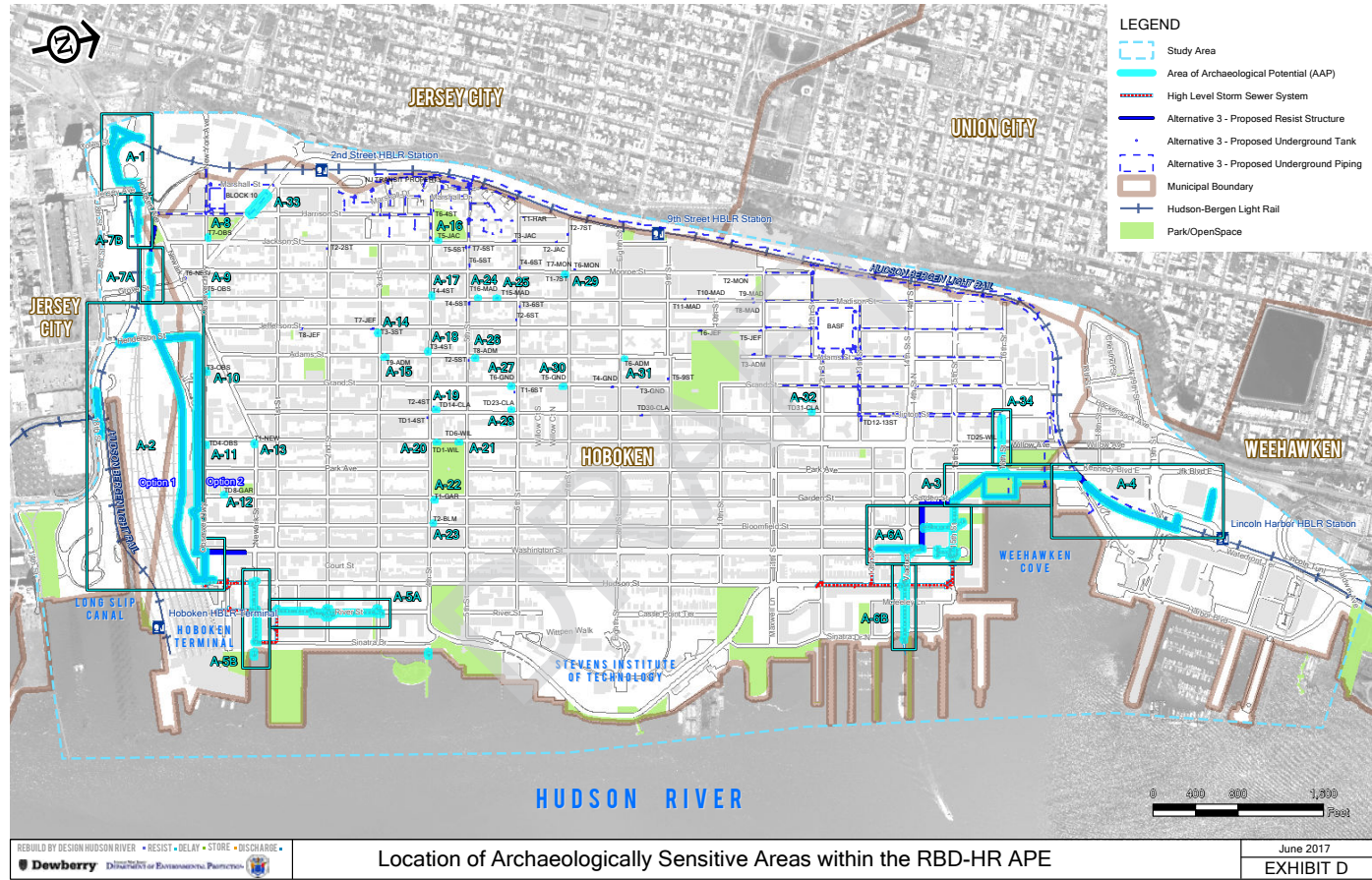


EXHIBIT E

LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

EXHIBIT E

LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-1	Resist Structure: Southwestern	1. Mid to late 19 <sup>th</sup> to early 20 <sup>th</sup> Century DLWRR Railroad and Industrial Deposits 2. Early 20 <sup>th</sup> Century Freight House and structure associated with Standard Oil Company	0-14 fbs	~25fbs/1.153	Installation of sheet piles. 1 & 2: Phased program of archaeological investigation (see Exhibits I-O).
A-2	Resist Structure: Southern	1. Prehistoric deposits (15-35 fbs) 2. Option 1: mid to late 19 <sup>th</sup> to early 20 <sup>th</sup> Century DLWRR & Erie-Lackawanna Terminal Deposits; Deposits associated with Long Slip Canal and railroad-related landfill (0-14 fbs) 3. Western portion of Option 2—late 19 <sup>th</sup> century brick sewer deposits (3-5 fbs) 4. Portions of Options 1 & 2 sensitive for deposits associated with National Register eligible PATH Tunnel (>60 fbs)	1. 15-35 fbs 2. 0-14fbs 3. 3-5fbs 4. >60fbs	20-60fbs (deeper depths around PATH tunnel)  Option 1: 1.875 Option 2: 1.991	Installation of sheet piles. 1-4: Phased program of archaeological investigation (see Exhibits I-O).
A-3	Resist Structure: Northern	1. Early 19 <sup>th</sup> century seawall 2. Mid to late 19 <sup>th</sup> century structures 3. Late 19 <sup>th</sup> to early 20 <sup>th</sup> century waterfront development and industrial development 4. Late 19 <sup>th</sup> to early 20 <sup>th</sup> century sewer line around 14 <sup>th</sup> Street 5. Weehawken Cove sensitive for prehistoric deposits 6. Weehawken Cove potential for 17 <sup>th</sup> to early 20 <sup>th</sup> century shipwrecks	1. 15-17fbs 2. 15-17fbs 3. >10fbs 4. 5-8.5fbs 5. >9fbs 6. >15fbs	~25fbs/1.667	Installation of sheet piles. 1-6: Phased program of archaeological investigation (see Exhibits I-O).

¹ fbs = feet below surface

E-1

EXHIBIT E

LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-8	DSD T7-OBS	Mid to Late 19 <sup>th</sup> Century Brick Sewer Line within Observer Highway	3-7.5fbs	7.17fbs/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-9	DSD T5-OBS	Mid to Late 19 <sup>th</sup> Century Brick Sewer Line within Observer Highway	2.5-8fbs	8.17fbs/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-10	DSD T3-OBS	Mid to Late 19 <sup>th</sup> Century Brick Sewer Line within Observer Highway	3.5-9fbs	7.17fbs/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-11	DSD TD4-OBS	Mid to Late 19 <sup>th</sup> Century Brick Sewer Line within Observer Highway	7-12fbs	9.67fbs/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-12	DSD TD8-GAR	Mid to late 19 <sup>th</sup> Century Circular Brick Sewer Line within Observer Highway	4-7fbs	7.67 Feet/0.001	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-13	DSD T1-NEW	Mid-late 19 <sup>th</sup> Century Wood Sewer Line within Newark Avenue and Egg-Shaped Brick Sewer within Willow Avenue	2.5-8.5fbs	8.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-14	DSD T3-3ST	Mid to late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Wooden Sewer Line within 3 <sup>rd</sup> Street	5.5-11fbs	9.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-15	DSD T9-ADM	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Adams Street	3.7-5fbs	9.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-16	DSD T5-JAC	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Jackson Street	8-17fbs	10.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).

E-3

EXHIBIT E

LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-4	Resist Structure: Weehawken	1. Majority of segment sensitive for prehistoric remains 2. Mid-19 <sup>th</sup> to early 20 <sup>th</sup> century waterfront development associated with Erie Freight Terminal 3. Portion of segment sensitive for potential mid to late 19 <sup>th</sup> century historic structures associated with Hoboken Land & Improvement Company 4. Possible 19 <sup>th</sup> Street outlet sewer	1. >12fbs 2. >2fbs 3. >2fbs 4. 4-8fbs	~25fbs/0.94	Installation of sheet piles. 1-4: Phased program of archaeological investigation (see Exhibits I-O).
A-5a-b	HLSS--South	1. Mid to late 19 <sup>th</sup> century slip/basin along River Street between 1 <sup>st</sup> and 3 <sup>rd</sup> Streets (A5-b) 2. possible late 19 <sup>th</sup> to early 20 <sup>th</sup> century brick sewer along Newark Street in vicinity of 3 <sup>rd</sup> Street and River Street (A-5a)	1. 8-18fbs 2. ~5fbs	<12fbs/0.961	Installation of sewer pipe, sewer-related infrastructure, and associated sheeting. 1 & 2: Phased program of archaeological investigation (see Exhibits I-O).
A-6a-b	HLSS--North	1. Early to mid-20 <sup>th</sup> century waterfront development and industrial development, including Vanderbilt & Schill Lumber Yard and the Jagels & Bellis Coal Company, along northern portion of Washington and Bloomfield streets, north of 14 <sup>th</sup> Street, and the 14 <sup>th</sup> Street DLWRR Ferry House and pier (A-6a) 2. Late 19 <sup>th</sup> to early 20 <sup>th</sup> century sewer line around 14 <sup>th</sup> Street (A-6b)	1. <10fbs 2. 5-8.5fbs	<12fbs/1.56	Installation of sewer pipe, sewer-related infrastructure, and associated sheeting. 1 & 2: Phased program of archaeological investigation (see Exhibits I-O).
A-7a-b	Sheeting	1. Prehistoric deposits within portions of the eastern sheeting (A-7a) 2. Western sheeting: early to mid-20 <sup>th</sup> century structures associated with meat packing industry, early 20 <sup>th</sup> century Grain and Straw building, early to mid-20 <sup>th</sup> century ice platform and ice house, railroad-related landfill (A-7b) 3. Eastern sheeting: early to late 20 <sup>th</sup> century DLWRR signal tower	1. 15-35fbs 2. 0-15fbs 3. 0-15fbs	>20fbs/0.101	Installation of sheeting. 1-3: Phased program of archaeological investigation (see Exhibits I-O).

E-2

EXHIBIT E

LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-17	DSD T4-4ST	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Madison Street	3.5-9fbs	11.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-18	DSD T3-4ST	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Adams Street	3-7fbs	7.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-19	DSD TD14-CLA	Mid to late 19 <sup>th</sup> Century Wood Sewer Line within Clinton Street	5-8.5fbs	7.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-20	DSD TD1-WIL	Mid to late 19 <sup>th</sup> Century Brick Sewer Line within Willow Avenue	2.5-8.5fbs	7.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-21	DSD TD6-WIL	Mid to late 19 <sup>th</sup> Century Brick Sewer Line within Willow Avenue	2.5-8.5fbs	7.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-22	DSD T1-GAR	Mid to late 19 <sup>th</sup> Century Brick Sewer Line within Garden Street	5-9.5fbs	9.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-23	DSD T2-BLM	Mid to late 19 <sup>th</sup> Century Brick Sewer Line within Bloomfield Street	4-6fbs	9.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-24	DSD T16-MAD	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Madison Street	3.5-9fbs	8.67 Feet/0.001	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-25	DSD T15-MAD	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Sewer Line within Madison Street	3.5-9fbs	9.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).

E-4

EXHIBIT E  
LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

MAP ID	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs')	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-26	DSD T8-ADM	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Sewer Line within Adams Street	3-7fbs	7.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-27	DSD T6-GND	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century wooden sewer line within Grand Street	3-7.5fbs	7.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-28	DSD TD23-CLA	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Clinton Street	5-8.5fbs	7.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-29	DSD T7-MON	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Monroe Street	5-11fbs	9.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-30	DSD T5-GND	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Grand Street	3.3-6.5fbs	9.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-31	DSD T6-ADM	Early 20 <sup>th</sup> Century Brick Sewer Line within Adams Street	2.5-6fbs	6.67 Feet/0.001	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-32	DSD TD31-CLA	Late 19 <sup>th</sup> to early 20 <sup>th</sup> Century Brick Sewer Line within Clinton Street	4-8fbs	8.17 Feet/0.001	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation (see Exhibits I-O).
A-33	Block 10	Mid-19 <sup>th</sup> Century Paterson Plank Road	>4fbs	4 Feet/0.29	Installation of underground stormwater detention system and associated piping. Phased program of archaeological investigation (see Exhibits I-O).
A-34	DSD BASF Site (Pipe)	Early to Mid-20 <sup>th</sup> Century Dry Docks Development along Weehawken Cove	<15fbs	6 Feet/0.30	Installation of piping associated with underground stormwater detention system and its outfall. Phased program of archaeological investigation (see Exhibits I-O).

E-5

EXHIBIT F  
TRIBAL CONSULTATIONS

EXHIBIT F  
TRIBAL CONSULTATION

As part of the RBD-HR Project, NJDEP has initiated contact with federally and state-recognized Native American tribes and groups, including as part of the consulting parties and interested parties outreach and coordination. The following tribes and groups have been part of the consultation process for this Project.

I. FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES CONTACTED FOR RBD-HR

- Absentee-Shawnee Tribe of Oklahoma
- Delaware Nation of Oklahoma
- Delaware Tribe of Oklahoma
- Eastern Shawnee Tribe of Oklahoma
- Shawnee Tribe of Oklahoma
- Stockbridge-Munsee Community of Mohican Indians of Wisconsin



August 19, 2016

Absentee Shawnee Tribe of Oklahoma  
Governor Edwina Butler-Wolfe  
2025 South Gordon Cooper Drive  
Shawnee, Oklahoma 74801

**Rebuild by Design Hudson River  
Invitation to Consult as a Consulting Party under Section 106 of the  
National Historic Preservation Act**

Dear Governor Butler-Wolfe,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy (the PA).

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.

NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On June 2, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See [http://www.comcon.org/sites/default/files/historic\\_preservation/](http://www.comcon.org/sites/default/files/historic_preservation/) for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at [clay.sherman@dep.nj.gov](mailto:clay.sherman@dep.nj.gov).

Thank you for your consideration and cooperation.

Sincerely,

  
Charles A. Richman  
Commissioner

Enclosures: Project Location  
Alternative maps

cc: Joseph Blanchard, THPO  
Kate Marcopul, SHPO  
Nicholas Smith-Herman, NJDCA  
Kim McEvoy, NJDEP  
Frank Schwarz, NJDEP  
Dennis Reinknecht, NJDEP  
Clay Sherman, NJDEP



August 19, 2016

Delaware Nation, Oklahoma  
Kerry Holton, President  
P.O. Box 825  
Anadarko, Oklahoma 73005

**Rebuild by Design Hudson River  
Invitation to Consult as a Consulting Party under Section 106 of the  
National Historic Preservation Act**

Dear President Holton,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

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The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.

NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On June 2, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

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See [http://www.comcon.org/sites/default/files/historic\\_preservation/](http://www.comcon.org/sites/default/files/historic_preservation/) for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at [clay.sherman@dep.nj.gov](mailto:clay.sherman@dep.nj.gov).

Thank you for your consideration and cooperation.

Sincerely,

  
Charles A. Richman  
Commissioner

Enclosures: Project Location  
Alternative maps

cc: Jason Ross, Delaware Nation  
Kate Marcopul, SHPO  
Nicholas Smith-Herman, NJDCA  
Kim McEvoy, NJDEP  
Frank Schwarz, NJDEP  
Dennis Reinknecht, NJDEP  
Clay Sherman, NJDEP

Delaware Tribe of Indians  
Chief Chester Brooks  
Delaware Tribal Headquarters  
5100 Tuxedo Boulevard  
Bartlesville, Oklahoma 74006

**Rebuild by Design Hudson River  
Invitation to Consult as a Consulting Party under Section 106 of the  
National Historic Preservation Act**

Dear Chief Brooks,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

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The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



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Eastern Shawnee Tribe of Oklahoma  
Glenna Wallace, Chief  
P.O. Box 350  
Seneca, Missouri 64865

**Rebuild by Design Hudson River  
Invitation to Consult as a Consulting Party under Section 106 of the  
National Historic Preservation Act**

Dear Chief Wallace,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

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Shawnee Tribe  
Ron Sparkman, Chief  
29 South Highway 69A  
Miami, OK 73005

**Rebuild by Design Hudson River  
Invitation to Consult as a Consulting Party under Section 106 of the  
National Historic Preservation Act**

Dear Chief Sparkman,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy (the PA).

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



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Stockbridge-Munsee Community  
Band of the Mohicans  
Wally Miller, Chairman  
N8476 Moh He Con Nuck Road  
Bowler, Wisconsin 54417

**Rebuild by Design Hudson River  
Invitation to Consult as a Consulting Party under Section 106 of the  
National Historic Preservation Act**

Dear Chairman Miller,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

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NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On June 2, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may follow up in approximately 10 days with Robin Dushane, your THPO, to make sure you received this letter and to discuss whether you plan to consult further on this project.

See [http://www.comcon.org/sites/default/files/historic\\_preservation/](http://www.comcon.org/sites/default/files/historic_preservation/) for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at [clay.sherman@dep.nj.gov](mailto:clay.sherman@dep.nj.gov).

Thank you for your consideration and cooperation.

Sincerely,

  
Charles A. Richman  
Commissioner

Enclosures: Project Location  
Alternative maps

cc: Robin Dushane, THPO  
Kate Marcopul, SHPO  
Nicholas Smith-Herman, NJDCA  
Kim McEvoy, NJDEP  
Frank Schwarz, NJDEP  
Dennis Reinknecht, NJDEP  
Clay Sherman, NJDEP

NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On June 2, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

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See [http://www.comcon.org/sites/default/files/historic\\_preservation/](http://www.comcon.org/sites/default/files/historic_preservation/) for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at [clay.sherman@dep.nj.gov](mailto:clay.sherman@dep.nj.gov).

Thank you for your consideration and cooperation.

Sincerely,

  
Charles A. Richman  
Commissioner

Enclosures: Project Location  
Alternative maps

cc: Bonney Hartley, THPO  
Kate Marcopul, SHPO  
Nicholas Smith-Herman, NJDCA  
Kim McEvoy, NJDEP  
Frank Schwarz, NJDEP  
Dennis Reinknecht, NJDEP  
Clay Sherman, NJDEP

January 5, 2017

Eastern Shawnee Tribe of Oklahoma  
Glenna Wallace, Chief  
P.O. Box 350  
Seneca, Missouri 64865

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge  
Invitation to Participate in the Preparation of the Project's Programmatic  
Agreement, Section 106 of the National Historic Preservation Act**

Dear Chief Wallace,

The State of New Jersey has received Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) for the above-noted project. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The NJDCA, acting as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Eastern Shawnee Tribe of Oklahoma to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.



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Please provide your response within 15 days to this invitation to Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at [clay.sherman@dep.nj.gov](mailto:clay.sherman@dep.nj.gov).

Thank you for your consideration and cooperation.

Sincerely,

Charles A. Richman  
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO  
Nicholas Smith-Herman, NJDCA  
Kim McEvoy, NJDEP  
Frank Schwarz, NJDEP  
Dennis Reinknecht, NJDEP  
Clay Sherman, NJDEP

January 5, 2017

Delaware Tribe of Indians  
Chief Chester Brooks  
Delaware Tribal Headquarters  
5100 Tuxedo Boulevard  
Bartlesville, Oklahoma 74006

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge  
Invitation to Participate in the Preparation of the Project's Programmatic  
Agreement, Section 106 of the National Historic Preservation Act**

Dear Chief Brooks,

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The NJDCA, as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Delaware Tribe of Indians to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.



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Thank you for your consideration and cooperation.

Sincerely,

Charles A. Richman  
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO  
Nicholas Smith-Herman, NJDCA  
Kim McEvoy, NJDEP  
Frank Schwarz, NJDEP  
Dennis Reinknecht, NJDEP  
Clay Sherman, NJDEP

January 5, 2017

Delaware Nation, Oklahoma  
Kerry Holton, President  
P.O. Box 825  
Anadarko, Oklahoma 73005

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge  
Invitation to Participate in the Preparation of the Project's Programmatic  
Agreement, Section 106 of the National Historic Preservation Act**

Dear President Holton,

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Thank you for your consideration and cooperation.

Sincerely,

Charles A. Richman  
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO  
Nicholas Smith-Herman, NJDCA  
Kim McEvoy, NJDEP  
Frank Schwarz, NJDEP  
Dennis Reinknecht, NJDEP  
Clay Sherman, NJDEP

January 5, 2017

Absentee Shawnee Tribe of Oklahoma  
Governor Edwina Butler-Wolfe  
2025 South Gordon Cooper Drive  
Shawnee, Oklahoma 74801

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge  
Invitation to Participate in the Preparation of the Project's Programmatic  
Agreement, Section 106 of the National Historic Preservation Act**

Dear Governor Butler-Wolfe,

The State of New Jersey has received Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) for the above-noted project. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The NJDCA, as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Absentee Shawnee Tribe of Oklahoma to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.



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Please provide your response within 15 days to this invitation to Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at [clay.sherman@dep.nj.gov](mailto:clay.sherman@dep.nj.gov).

Thank you for your consideration and cooperation.

Sincerely,

Charles A. Richman  
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO  
Nicholas Smith-Herman, NJDCA  
Kim McEvoy, NJDEP  
Frank Schwarz, NJDEP  
Dennis Reinknecht, NJDEP  
Clay Sherman, NJDEP



The Delaware Nation

NAGPRA/106 Department

31064 State Highway 281  
Anadarko, OK 73005  
Phone (405)247-2448 Fax (405) 247-8905

NAGPRA ext. 1182  
Museum/106 ext. 1181  
Library ext. 1196  
Director ext. 1180

Davis, Zachary

From: Sherman, Clay <Clay.Sherman@dep.nj.gov>  
Sent: Tuesday, February 07, 2017 11:36 AM  
To: Smith-Herman, Nicholas  
Cc: McEvoy, Kim; Schwarz, Frank; Reinknecht, Dennis; Davis, Zachary; Smith, Lawrence; Doss, Gary  
Subject: FW: Rebuild by Design Hudson River Project

This message originated from outside your organization

Nicholas,

We have another interested party for the Programmatic Agreement. I also forwarded the invite for the RBDH Programmatic Agreement meeting on Tuesday the 14<sup>th</sup> to the interested party.

Clay Sherman, Project Manager  
Hudson River Rebuild By Design  
[www.rbd-hudsonriver.nj.gov](http://www.rbd-hudsonriver.nj.gov)

Engineering and Construction  
Bureau of Flood Resilience  
501 East State Street-1st Floor  
Mail Code 501-01A  
P.O. Box 420  
Trenton, NJ 08625-0420

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From: Tonya Tipton [mailto:tonya@shawnee-tribe.com]  
Sent: Tuesday, February 07, 2017 11:05 AM  
To: Sherman, Clay  
Cc: ben.barnes@gmail.com  
Subject: Rebuild by Design Hudson River Project

The Shawnee Tribe is interested in establishing a Programmatic Agreement.

Please contact Second Chief Ben Barnes at [ben.barnes@gmail.com](mailto:ben.barnes@gmail.com)

Thank you,

Tonya Tipton

To Whom It May Concern:

26 January 2017

The Delaware Nation Cultural Preservation Department received correspondence regarding the following referenced project(s).

**Hudson River Project: Resist, Delay, Store, Discharge. Invitation for Participation in The project's Programmatic Agreement.**

Our office is committed to protecting tribal heritage, culture and religion with particular concern for archaeological sites potentially containing burials and associated funerary objects.

The Lenape people occupied the area indicated in your letter during, or prior to, European contact until their eventual removal to our present locations. According to our files, the location of the proposed project does not endanger cultural or religious sites of interest to the Delaware Nation. Therefore on behalf of the Delaware Nation, and having read the provided planning information, I would request that the standard element of most PA documents of keeping in mind that during construction should an archaeological site or artifacts inadvertently be uncovered, all construction and ground disturbing activities should immediately be halted until the appropriate state agencies, as well as this office, are notified (within 24 hours), and a proper archaeological assessment can be made. With consideration to the existing development, the potential for a site discovery is likely very low, although one never knows what may be discovered with the movement of earth.

Please note the Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge Munsee Band of Mohican Indians are the only Federally Recognized Delaware/Lenape entities in the United States and consultation must be made only with designated staff of these three tribes. We appreciate your cooperation in contacting the Delaware Nation Cultural Preservation Office to conduct proper Section 106 consultation. Should you have any questions, feel free to contact our offices at 405/247-8903 or by email: [nalligood@delawarenation.com](mailto:nalligood@delawarenation.com), or [jross@delawarenation.com](mailto:jross@delawarenation.com).

Nekole Alligood  
NAGPRA/106 Director  
The Delaware Nation  
31064 State Highway 281  
Anadarko, OK 73005

Exhibit G – Potential Treatment Measures for the Resolution of Adverse Effect

I. Recordation Package

- A. Digital Photography Package: Prior to project implementation, NJDEP shall oversee the successful delivery of a Digital Photography Package prepared by the CRM. The Digital Photography Package will meet the standards cited in the National Park Service's National Register of Historic Places Photographic Policy March 2010 or subsequent revisions (<https://www.nps.gov/nr/PUBLICATIONS/bulletins/photopolcy/index.htm>).
1. The Digital Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
  2. The Digital Photography Package shall include printed color copies of the digital photographs (on appropriate paper, per NPS Photographic Policy), a CD/DVD of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.
  3. The NJDEP shall submit the Digital Photography Package to PA Signatories for review and approval. Once reviewed by the PA Signatories and approved by the NJHPO, the NJDEP shall submit full copies of the approved Digital Photography Package to the NJHPO, the City of Hoboken and the New Jersey State Archives for permanent retention.
- B. 35 mm Black and White Film Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a 35 mm Black and White Film Photography Package prepared by the CRM.
1. The 35 mm Black and White Film Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
  2. The 35 mm Black and White Film Photography Package shall include one (1) full set of 35mm film black and white photographs printed on acid free paper, the corresponding 35mm film negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
  3. The NJDEP shall submit the 35 mm Black and White Film Photography Package to PA Signatories for review and approval by the NJHPO. Once approved by the NJHPO, the NJDEP shall submit full copies of the approved 35 mm Black and White Film Photography Package to the NJHPO, the City of Hoboken and the New Jersey State Archives for permanent retention.
- C. Large Format Film Photography Package: Prior to project implementation, the NJDEP shall oversee the successful delivery of a Large Format Film Photography Package prepared by the CRM.
1. The Large Format Film Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
  2. The Large Format Film Photography Package shall include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper, the corresponding 4 x 5 or 5 x 7-inch negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.

Exhibit G – Potential Treatment Measures for the Resolution of Adverse Effect

3. The designated responsible party shall submit the Large Format Film Photography Package to the PA Signatories for review and approval by the NJHPO. Once approved by the NJHPO, the NJDEP shall submit full copies of the approved Large Format Film Photography Package to the NJHPO, the City of Hoboken and the New Jersey State Archives for permanent retention
- II. Design Review by PA Signatories
- A. The CRM, NJDEP and the PA Signatories shall work in concert to develop a historically compatible design for the Resist barrier. As specified in Stipulation II.A, plans and specifications will, to the greatest extent feasible, preserve the basic character of the identified historic properties. Primary emphasis shall be given to the major street elevations that are visible. In the event that significant contributing features (e.g. trim, windows, doors, porches) are adversely affected by the Project, repairs will be made with either in-kind materials or materials that come as close as possible to the original materials in basic appearance. Aesthetic camouflaging treatments such as use of veneers, paints, texture compounds and other surface treatments and/or use of sympathetic infill panels and landscaping features will be employed to the greatest extent feasible. Final construction drawings used in the bidding process will be submitted to the PA Signatories for review and comment.
- III. Tribal Treatment Plan
- A. The CRM and NJDEP shall work with the Shawnee Tribe to develop a plan for the protection and treatment of, including but not limited to, Native American remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, for known sites and in the event that any are discovered in conjunction with the Undertaking, including archaeological studies, excavation, geotechnical investigations, grading, and all ground-disturbing activity. The plan will also formalize procedures for Tribal monitoring during archaeological studies, grading, and ground disturbing activities for the Undertaking. No photography of Native American human remains or funerary objects other than those used for identification purposes as required by local, state, and federal laws will be allowed.
- IV. Public Interpretation
- A. The CRM, NJDEP and the PA Signatories will work together to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the PA Signatories, the NJDEP will continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the NJDEP.
- V. Historical Context Statements and Narratives
- A. Prior to project implementation, the PA Signatories will collaboratively determine the topic and framework of a historic context statement or narrative the designated responsible party shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan. Once the topic of the historic context statement or narrative has been agreed to, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories as the CRM drafts the historic context statement and narrative. The PA Signatories shall have final approval over the end product.
- VI. Oral History Documentation
- A. Prior to project implementation, NJDEP will work with the PA Signatories to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories through the data collection, drafting of the document, and delivery of a final product by the CRM. The PA Signatories shall have final approval over the end product.
- VII. Historic Property Inventory
- A. Prior to project implementation, NJDEP will work with the PA Signatories to establish the appropriate level of effort to accomplish a historic property inventory or synthesis of archeological data. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION  
101 SOUTH BRAD STREET  
PO BOX 823  
TRENTON, NJ 08625-0823

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

CHARLES A. RICHMAN  
Commissioner

January 5, 2017

Shawnee Tribe  
Ron Sparkman, Chief  
29 South Highway 69A  
Miami, Oklahoma 74355

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge  
Invitation to Participate in the Preparation of the Project's Programmatic  
Agreement, Section 106 of the National Historic Preservation Act**

Dear Chief Sparkman,

The State of New Jersey has received Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) for the above-noted project. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDEP) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The NJDEP, as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Shawnee Tribe to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.



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EXHIBIT G

POTENTIAL TREATMENT MEASURES FOR THE  
RESOLUTION OF ADVERSE EFFECT



Exhibit G – Potential Treatment Measures for the Resolution of Adverse Effect

undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories through the data collection process. The NJDEP will use NJHPO standards for the survey of historic properties and NJHPO forms as appropriate. The CRM will prepare a draft inventory report, according to NJHPO templates and guidelines, and work with the PA Signatories until a final property inventory is approved.

VIII. National Register and National Historic Landmark Nominations

- A. Prior to project implementation, NJDEP will work with the PA Signatories to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the PA Signatories have agreed to a property, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories as the CRM drafts the nomination form. The PA Signatories will provide adequate guidance to the NJDEP during the preparation of the nomination form. The NJHPO shall formally submit the final nomination to the Keeper for inclusion in the National Register. .

IX. Geo-References of Historic Maps and Aerial Photographs

- A. Prior to project implementation, NJDEP will work with the PA Signatories to identify the historic maps and/or aerial photographs for scanning and geo- referencing. Once a list of maps and/or aerial photographs have been agreed upon, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to them for review. The PA Signatories shall have final approval on the quality of the documentation provided by the designated responsible party. The final deliverable shall include a paper copy of each scanned image, a georeferenced copy of each scanned image, and the metadata relating to both the original creation of the paper maps and the digitization process.